

Garfield County Personnel Policy

Effective February 1, 2011

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ARTICLE I

Purpose and Scope of Personnel Policy:

- 1.1 The purpose of this personnel policy is to establish proper and equitable personnel policies and procedures to assure that qualified persons are filling the jobs covered by Garfield County (hereinafter "County" or "Employer") and that they are receiving just compensation for their work. This policy applies to all non-elected employees equally.
- 1.2 Each department may have a procedural policy in addition to this policy that outlines the manner in which the work is to be performed in their department. The departmental policy shall not affect or otherwise modify the provisions as defined in the overall employee policy, including but not limited to wages, benefits, and other compensation for employees.
- 1.3 This policy should be reviewed each year by the Board of County Commissioners along with the Department heads and a representative from the Employee Association, with any necessary revisions made to the policy.
- 1.4 An Employee Association shall exist for the employees of Garfield County. Each employee shall be entitled to participate in Employee Association meetings/functions and have his/her voice heard. At a minimum, the employee association should consist of at least one employee from each County department.

ARTICLE II

Employee Responsibilities and Conduct:

- 2.1 The following general policy covers the responsibilities and conduct of all employees:
 - (A) All employees are expected to represent the County to the public in a professional manner, which is courteous, efficient, and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and Department Head.
 - (B) Since the proper working relationship between employees and the Employer depends on each employee's on-going job performance, professional conduct, and behavior, the Employer has established certain minimum standards of personal conduct. Including, but not limited to are: basic tact and courtesy toward the public and fellow employees; compliance with directions from supervisors; preserving and protecting the Employer's equipment, grounds, facilities, and resources; and providing orderly and cost-efficient services to its citizens.
 - (C) Each employee should notify the Employer of any physical conditions, which may arise that may affect the employee's ability to perform his or her job.

2.2 Garfield County Code of Conduct

PURPOSE

The purpose of the Code of Conduct is to ensure the efficient, fair and professional administration of federal grant funds in compliance with 24 CFR§85.36(B)(3) and other applicable federal and state standards, regulations and laws.

APPLICATION

The Code of conduct applies to all elected officials, employees or agents of Garfield County engaged in the award or administration of contracts supported by federal grant funds.

REQUIREMENTS

No elected official, employee or agent of Garfield County shall participate in the selection, award or administration of the contract supported by federal grant funds, if a conflict of interest, real or apparent would be involved. Such a conflict would arise when:

The employee, elected official or agent; any member of his/her immediate family; his/her partner, or an organization which employs one of the above, has a financial or other interest in the firm selected for award.

The Garfield County elected officials, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, subcontractors or clients.

REMEDIES

To the extent permitted by federal, state or local laws or regulations, violation of these standards may cause Garfield County to impose penalties, sanctions or other disciplinary actions against elected officials, employees or agents, or the contractors, potential contractors, subcontractors or their agents.

2.3 Anti-Harassment Policy

Garfield County is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, we will not tolerate harassment of our employees by anyone, including any supervisor, co-worker, vendor, client, or customer.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, color, race, ancestry, religion, national marital status, veteran status, citizenship status, or other protected group status. Garfield County will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment. Sexual harassment may include explicit sexual propositions, sexual propositions, sexual innuendos, suggestive comments, sexually oriented "kidding" or "teasing", "practical jokes", jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching or brushing against another's body.

All employees are responsible for helping to assure that we avoid harassment. If you feel that you have experienced or witnessed harassment, you are to notify your supervisor immediately. If you are not comfortable discussing the matter with that person, please feel free to contact your department manager or any other manager. Garfield County forbids retaliation against anyone who has reported harassment.

Our policy is to investigate all such complaints thoroughly and promptly. To the fullest extent practicable, Garfield County will keep complaints and the terms of their resolution confidential. If an investigation confirms that harassment has occurred, we will take corrective action, including such discipline up to and including immediate termination of employment as is appropriate.

ARTICLE III - CLASSIFICATIONS

Probationary Employee:

3.1 Shall be an employee of Garfield County during the six (6) months immediately following employee's date of employment. After completion of the probation period, the employee's seniority will date from the last date of hire for all benefits, wages, and conditions of employment. Provided, however, the employee shall not be entitled to draw upon any such benefits, except sick leave benefits, during the first six (6)

months of employment. Provided further, if an employee's employment is terminated during the first six (6) months, said employee shall receive no compensation for any benefit, which may have accrued during such six (6) months period.

3.2 Departmental Transfer: A Garfield County Employee who transfers from one County department to another Garfield County department shall be considered a probationary employee for the first six (6) months of employment within the new department, however, the employee's seniority will continue from the initial date of hire to the County for all benefits, wages, and conditions of employment, so long as there is no break in continuous employment with the County. The probationary employee shall not be entitled to draw upon any benefits, except sick leave benefits, during the first ninety (90) days of employment. (See also, Para. 33.1).

Regular Employee:

3.2 A regular employee is an employee who has successfully completed the six (6) month probationary period.

Full-Time Employee:

3.3 A full-time employee is one who normally is paid at least 145 hours per month in a regular position. Full-time employees are eligible for full fringe benefits.

Regular - Part-Time Employee:

3.4 Personnel in this category are to be hired on a regular basis and working in an eligible position. Vacation and sick leave to such employees will be authorized on a pro-rate schedule, reflecting hours paid. The formula is as follows: The proportion will be determined by multiplying the number of hours per month that the part time employee works by 12 and then dividing the result thereof by 2080. (the result shall be rounded to 2 decimal points) then multiplying that result by the rate of longevity accrued to produce a number that equals the percent of the full eight (8) hours that will be granted to the part-time employee.

FOR EMPLOYEES HIRED BEFORE JANUARY 1, 2011: full medical benefits (including medical, dental, vision and life insurance) are available to employees in an eligible position who are paid at least 87.5 hours/month. All employees working regularly scheduled hours of less than 87.5 hours a month shall only be eligible for time-proportionate sick leave and not for any other fringe benefits.

FOR EMPLOYEES HIRED ON OR AFTER JANUARY 1, 2011:

- Those employees that work 'regularly scheduled' hours of 32 hours per week, or more, are eligible for full medical benefits (including medical, dental, vision and life insurance) and are eligible for sick and vacation leave based on the pro-rate schedule listed above;
- Those employees that work 'regularly scheduled' hours of 25 to 31 hours per week are eligible to receive medical benefits (including medical, dental, vision and life insurance), however the County will only pay for ½ (50%) of the cost of said benefits and are eligible for sick and vacation leave based on the pro-rate schedule listed above;
- Those employees that work 'regularly scheduled' hours of less than 25 hours per week are not eligible to receive medical benefits (including medical, dental, vision and life insurance) and are eligible for sick leave based on the pro-rate schedule listed above;

Retirement benefits are available to employees in an eligible position who work at least 70 hours/month as determined by the Dept. of Retirement Systems.

Temporary/Seasonal/On-Call Employee:

3.5 All employees who are hired to perform the duties of a position (either part-time or full-time) that will exist for less than six months after the date of hiring, who work less than 100 days in any given year, or who's job description state's that the position is 'fill-in' and/or 'on-call' are classified as temporary/seasonal employees and do not qualify for any fringe benefits.

“Contract” Employee

3.6 The County may hire ‘professional’ employees and utilize an employment contract to further describe duties, compensation, professional requirements, etc. Said employee will be governed by the terms of this Personnel Policy generally, but terms may be modified pursuant to the employment contract.

ARTICLE IV

Recruitment and Hiring

4.1 All personnel are to be hired by the head of each department. No candidates for employment shall be discriminated against based on race, creed, color, national origin, political beliefs, sex, age, marital status, or disability, except as required or permitted by law.

ARTICLE V

Dismissal/Suspension/Demotion

5.1 Any probationary employee may be dismissed or terminated at any time during the probationary period without just cause and without recourse by an appointed/elected department head at his/her sole discretion. Any regular employee or regular full-time employee may be dismissed or suspended at any time for just cause by an appointed/elected department head with the concurrence of the Board of County Commissioners. The dismissal or suspension of an employee shall not be premised on race, creed, color, national origin, political beliefs, age, marital status, or physical, sensory, or mental handicap, except as permitted by law.

5.2 In lieu of termination or suspension, a department head may demote an employee to probationary status (see Para. 3.1 herein) for up to twelve months based on “just cause”.

5.3 "Just cause" for purposes of dismissal or suspension on the basis of poor work performance or misconduct contrary to the best interests of Garfield County may include, but is not limited to the following examples:

1. Refusal to obey lawful and reasonable orders (insubordination),
2. Refusal to cooperate with fellow workers,
3. Possession, consumption, or use of drugs or alcohol on the job or when called to work may be reasonably expected,
4. Slander of County officials or scandalous public criticism of County Policies or officials,
5. Erratic or unexcused absenteeism,
6. Malingering (misuse of sick leave),
7. Carelessness - endangering of self or other employees and/or the public and/or endangering property,
8. Accepting fees or gifts in the performance of the employee's official duties,
9. Conviction of any felony criminal offense,
10. Unacceptable work performance or progress in completing required job function,
11. Harassment in the workplace,
12. Such other cause, which normally serves as a basis for discipline in labor and personnel relations.

5.4 PRE-TERMINATION HEARING

Unless a County position is governed by contrary terms pursuant to Civil Service Law or Employment Contract, a regular part-time or full-time employee is entitled to a pre-termination hearing prior to the effective date of termination. The employee will be given written notice of the planned termination action and will be allowed an opportunity to review the reasons and evidence for the planned termination. If the employee requests such a hearing prior to the termination date, he/she will be allowed to present his or her position before any final action is taken. The hearing will not be formal or elaborate, but it will allow the employee a chance to understand the reasons for the planned termination and to comment on those reasons. The hearing is non-adversarial and, while the employee has a right to have an attorney present, the attorney is not entitled to be an advocate. The pre-termination hearing may include one or more of the following: the department head; County Commissioner; and/or Human Resource Representative.

ARTICLE VI

Nepotism (Appointment of Relatives):

6.1 FOR EMPLOYEES HIRED PRIOR TO JANUARY 1, 2011: Relatives of County employees shall not be appointed to a position in which they supervise or are directly supervised by a relative. Relatives mean a spouse (defined as husband, wife, or any other person with whom an employee shares a domestic relationship, including State Registered Domestic Partner), parent, grandparent, brother, sister, child, stepchild, grandchild, mother-in-law, father-in-law, sister-in-law, or brother-in-law of the applicant. This shall not apply to occasional employees (not more than 16 hours/month) who are paid at the lowest hourly wage authorized by the Commissioners for that department and/or volunteers.

FOR EMPLOYEES HIRED ON OR AFTER JANUARY 1, 2011: Relatives of County employees shall not be appointed to a position within the same department as a relative. Relatives mean a spouse (defined as husband, wife, or any other person with whom an employee shares a domestic relationship, including State Registered Domestic Partner), parent, grandparent, brother, sister, child, stepchild, grandchild, mother-in-law, father-in-law, sister-in-law, or brother-in-law of the applicant. This shall not apply to occasional employees (not more than 16 hours/month) who are paid at the lowest hourly wage authorized by the Commissioners for that department and/or volunteers.

ARTICLE VII

Political Activity:

7.1 Political activity shall not be permitted on the Employer's time nor shall any employee be required to expend any time, effort, or money on any political activity as a condition affecting employment. No person, employee or otherwise, shall on the Employer's property solicit any contribution or assessment to be used for political organizations or purposes.

ARTICLE VIII

Outside Employment:

8.1 Employees are free to have employment in addition to their positions with the Employer with the following restrictions:

- A. The non-County job must not interfere with nor adversely affect the performance of the County job duties.
- B. The work of the non-County job must not infringe upon assigned hours of work for the County position.

- C. County equipment or supplies must not be used to perform non-County job duties.
- D. The non-County job must not create a conflict of interest vis-à-vis the County position nor create a condition or "incompatible offices" as determined by the appointing authority.

ARTICLE IX

Reimbursement for Travel:

9.1 The Employer shall reimburse employees for the use of their private vehicle when the use of such vehicle has been previously authorized by the Board of County Commissioners or its agent (the department head) and the employee has presented the Employer with the required documentation for reimbursement.

9.2 The rate for private vehicle use shall be the current maximum state rate per mile as set by the Washington State Office of Financial Management -

9.3 All reasonable and necessary costs will be paid for approved travel.

Meals will be reimbursed up to **\$46.00** per day outside of the county (this amount includes gratuities, if any). Less than a full day's meals will be reimbursed up to the following per-meal limitations: breakfast = **\$11.00**, lunch = **\$14.00**, dinner = **\$21.00** (this amount includes gratuities, if any). The cost of alcoholic beverages is specifically excluded from reimbursement.

When meals are included in the seminar, workshop, or conference registration fee, the County shall exclude per diem payment for said meal(s).

When a spouse or other family member accompanies an employee requiring any additional charge for double occupancy, the employee shall pay the difference.

- 9.4** The documentation required for reimbursement by the county shall be as follows:
- a. A copy of the agenda/itinerary or other document which includes the dates and location of meetings and/or training.
 - b. Detailed receipts are necessary for: hotel stay (including rate per day and taxes); parking, luggage, car rental, shuttle, bus, etc.
 - i. Warning – be sure to obtain receipts for each direction of air travel, as well as for the costs of baggage, each direction.
 - ii. If two or more employees share a hotel/motel room, notation should be made on the receipt that the room was shared and which employees shared the room.
 - c. a completed travel re-imbusement form as provided by the Treasurer which will include those meals taken and paid for by the employee as well as a description of the destination and number of miles traveled using a private automobile which shall include the employee's signature. Mileage will be computed according to the point-to-point distance, plus local business related travel. Additional pleasure travel shall not be reimbursed. Reimbursement for the use of commercial transportation shall include a verifiable receipt).
 - d. Employees should always ask for government rates when making reservations.
 - e. Employee is responsible for the costs of personal phone calls, movies, and room service. Purchase of alcoholic beverages is specifically excluded from reimbursement.
 - f. A second Department Head or County Commissioner must verify the travel voucher if submitted by a Department Head or County Commissioner.

9.5 If an employee is required to travel in their private vehicle for training or a job-related purpose outside of their normal working hours which has previously been approved by the Board of County Commissioners or its agent (the department head), the employee shall be paid as follows:

9.5.1 Travel Time:

- "Routine" Travel Time To and From Work: Travel time to and from work before and after the regular workday is not work time. This is true whether the employee works at a fixed location or at different job sites.
- "Extraordinary" Travel Time To and From Work: If an employee is given a special one-day work assignment in another city, this travel time is not regarded as ordinary home-to-work travel and would qualify as working time. For example, an employee who works in Pomeroy, with regular working hours from 8:30 a.m. to 5:00 p.m., may be given a special assignment in Pasco with instructions to leave Pomeroy at 7:00 a.m. The employee arrives in Pasco at 9:00 a.m., the special assignment is completed at 5:00 p.m. and the employee arrives back in Pomeroy at 7:00 p.m. This travel is not regarded as ordinary home-to-work travel because it is performed for the employer's benefit and at the employer's special request to meet the needs of the particular and unusual assignment. However, not all the travel time involved must be counted as working time. Since, except for the special assignment, the employee would have had to report to their regular work site, the amount of time it would take the employee to travel between their home and the normal work site need not be counted as hours worked.
- "Extraordinary" Travel Involving Overnight Travel: Required travel that keeps an employee away from home overnight is travel from home and is work time when it cuts across the employee's workday. The time is not only hours worked if it occurs during the employee's normal working day and working hours, but also if it occurs during the corresponding hours on non-working days. Thus, if an employee regularly works Monday through Friday, from 8:30 a.m. to 5:00 p.m., travel time between 8:30 a.m. - 5:00 p.m. is work time if it occurs on Saturday and Sunday as well as on weekdays.
 - In contrast, time spent in travel away from the home but outside of regular working hours need not be counted as hours worked if the employee is a passenger, e.g., traveling by airplane, bus, car, or train. If the employee is designated as FLSA non-exempt and a driver of a vehicle, all time spent driving in the vehicle to and from the assignment is regarded as working hours, except that if public transportation would have required less time, the County may count as hours worked the less time-consuming method of transportation. The employee is expected to choose the most economical and expedient mode of transportation in terms of time and cost.

9.5.2 Training:

- Compensable Time For Training: Computation of work time for nonexempt employees while attending training or traveling to and from training shall be in compliance with the Fair Labor Standards Act (FLSA). Time spent in training is usually considered work time. Training which is mandated by the state or federal government as a condition of practice in the profession shall not be considered work time if attended outside of regular work hours. Time spent studying for training classes shall not be considered work time. Employees whose positions are exempt from the FLSA shall be compensated for all time in training during normal work hours (e.g. 8:30 am to 5:00 pm).

Article X

Advance of Funds for Travel:

10.1 The County Treasurer controls the advancing of funds for authorized job-related travel expenses. Arrangements may be made with the Treasurer before traveling for reasonable advances, observing the following guidelines:

- A. Funds are advanced as a County check, not cash.
- B. Funds may be issued for one trip per request; separate advances for separate employees are required. If an employee is attending multiple different meetings, in different locations, but as part of the same trip, the employee may request all of the advanced travel at the same time, but will need to submit separate Advance Travel Request forms for each meeting.
- C. Settlements and adjustments of advances must be made on or before the fifteenth (15) day following the employee's return from travel (See RCW 42.24.090.). A \$5.00 late fee will be charged

for any settlement turned in after the 5th working day. An outstanding advance travel reconciliation will prevent the Treasurer from issuing a second advance travel.

- D. Advanced travel will be issued one working day prior to travel, unless otherwise mutually agreed by the employee's Dept. Head and County Treasurer.
- E. Documentation substantiating travel expenditures must meet the following requirements:
 - a. A copy of the agenda/itinerary or other document which includes the dates and location of meetings and/or training.
 - b. Detailed receipts are necessary for: hotel stay (including rate per day and taxes); parking, luggage, car rental, shuttle, bus, etc.
 - i. Warning – be sure to obtain receipts for each direction of air travel, as well as for the costs of baggage, each direction.
 - ii. If two or more employees share a hotel/motel room, notation should be made on the receipt that the room was shared and which employees shared the room.
 - c. Employees should always ask for government rates when making reservations.
 - d. Employee is responsible for the costs of personal phone calls, movies, and room service. Purchase of alcoholic beverages is specifically excluded from reimbursement.
 - e. A second Department Head or County Commissioner must verify the travel voucher if submitted by a Department Head or County Commissioner.

ARTICLE XI

Health Care Insurance Benefit:

11.1 FOR EMPLOYEES HIRED PRIOR TO JANUARY 1, 2011: Any regular, full-time and part-time employee who works at least eighty-seven point five (87.5) hours per month, and who is regularly scheduled to work 20 or more hours per week, employed by Garfield County shall be eligible for health insurance benefits to be paid by the Employer. These benefits shall include medical, dental, vision and life coverage for the employee and dental coverage for any qualified dependents. The employee may elect to insure dependents under the same policy by having the premiums deducted from his or her salary. Eligible dependents shall include only spouse, State Registered Domestic Partner, child, children, stepchild, stepchildren or children under guardianship.

FOR EMPLOYEES HIRED ON OR AFTER JANUARY 1, 2011: (SEE ALSO PARA. 3.4) :

- Any regular part-time employee who works at least 32 'regularly scheduled' hours per week employed by Garfield County, shall be eligible for health insurance benefits to be paid by the Employer. These benefits shall include medical, dental, vision and life coverage for the employee and dental coverage for any qualified dependents. The employee may elect to insure dependents under the same policy by having the premiums deducted from his or her salary. Eligible dependents shall include only spouse, State Registered Domestic Partner, child, children, stepchild, stepchildren or children under guardianship.
- Any regular part-time employee who works between 25 and 31 'regularly scheduled' hours per week employed by Garfield County, shall be eligible for health insurance benefits, 50% of which will be paid by the Employer. These benefits shall include medical, dental, vision and life coverage for the employee and dental coverage for any qualified dependents. The employee may elect to insure dependents under the same policy by having the premiums deducted from his or her salary. Eligible dependents shall include only spouse, State Registered Domestic Partner, child, children, stepchild, stepchildren or children under guardianship.
- Any regular part-time employee who works less than 25 'regularly scheduled' hours per week employed by Garfield County, shall not be eligible for health insurance benefits to be paid by the Employer.
- Temporary/Seasonal workers are not eligible for medical benefits.

11.2 Medical premium payments paid by the County shall be set by the Board of Commissioners from year to year. The employee shall pay any premium amounts in excess of that amount set and paid by the County. If an employee selects a plan with lower premium levels than the amount set and paid by the County, the difference in the premium may be applied toward dependent coverage.

ARTICLE XII

Longevity Pay Provisions:

12.1 The following Longevity Pay Schedule shall be in effect for all regular employees covered by this policy:

| Number of years employed by Garfield County: | Amount per hour above base pay for position currently held: |
|---|---|
| 5 - 10 | .05 |
| 10 - 15 | .10 |
| 15 - 20 | .15 |
| 20 - 25 | .20 |
| 25 and over | .25 |

12.2 Effective January 1, 1998, the above longevity pay shall no longer be in effect for all regular employees covered by this Agreement.

12.3 Employees currently receiving longevity shall be grand fathered and continue to receive longevity at the current level being paid on the effective date. After the effective date, no additional amounts shall be paid over the current level being paid upon the effective date.

ARTICLE XIII

Legal Holidays:

13.1 The following legal, paid, holidays are authorized for all employees:

| | |
|-----------------------------|--|
| (1) New Year's Day | January 1 |
| (2) Martin Luther King Day | 3rd Monday in January |
| (3) President's Day | 3rd Monday in February |
| (4) Memorial Day | Last Monday in May |
| (5) Independence Day | July 4 |
| (6) Labor Day | 1st Monday in September |
| (7) Columbus Day | The 2nd Monday in October (generally) |
| (8) Veteran's Day | November 11 |
| (9) Thanksgiving Day | 4th Thursday in November |
| (10) Day after Thanksgiving | Day after Thanksgiving |
| (11) Christmas Day | December 25 |
| (12) One "Floating Holiday" | One day chosen by each employee and approved by Supervisor and to be taken in calendar year earned |

Any other day proclaimed a holiday by the Governor or by the Board of County Commissioners will also be included.

13.2 Whenever one of the above holidays falls upon a Sunday, the following Monday shall be the legal holiday. Whenever one of the above holidays falls on a Saturday, the preceding Friday shall be the legal holiday.

13.3 If the holiday to be taken falls on a day that an employee or group of employees is/are not ordinarily scheduled to work, the employee or group of employees may take (with the concurrence of the department head and the Board of County Commissioners) the next regular or proceeding working day to replace the day in question.

13.4 The above holidays shall be prorated for regular part-time employees in the same manner as vacation leave is prorated.

ARTICLE XIV

Paid Leave of Absence:

14.1 Payments may be made to employees for absence during their assigned hours of work only for the purposes and to the extent provided in the subsections hereinafter set forth which covering detail sick leave, vacation leave judicial duty, and military leave. Employees, except temporary employees, shall complete six (6) months of continuous service before other leave of absence with pay benefits besides sick leave are made available for their use. Temporary employees shall not receive leaves of absence with pay.

14.2 All benefits computed on a monthly basis shall be based on a full month's continuous service in which the employee has no unauthorized leave and during which the employee has taken no more than seven (7) days sick leave except that if an employee is placed on the payroll on or before the 15th of the month or terminates after the 15th and actually works or worked continuously through the period of employment during the month, it shall be considered as a month of continuous service for computation of benefits. Sick leave benefits for the year will be credited as earned and will be available for use by the employee; however, when an employee terminates employment, actual benefits earned by the employee will be computed in accordance with the provisions of this policy and any time due to County will be withheld from money due employee upon termination.

ARTICLE XV

Sick Leave:

15.1 Sick Leave is granted to regular, full-time employees at the rate of eight (8) hours for each completed month of service. Sick leave is also granted to regular, part-time employees in a prorated manner as calculated by the following formula: The number of hours that the part-time employee works in a month is multiplied by 12 and dividing the result thereof by 2080 (the result shall be rounded to two decimal places) and then multiplying that result by the rate of longevity accrued to produce a number that equals the percent of the full eight (8) hours that will be granted to the part-time employee. Sick leave is accumulative to a total of 960 hours.

15.2 Sick leave may be accumulated from year to year not to exceed the limit of 960 working hours.

15.3 Sick leave earned after the employee has accumulated the full limit of 960 unused hours shall be converted to vacation time by the County at the rate of one (1) hour of vacation time for each two (2) hours of excess unused sick leave.

15.4 If an employee passes away while employed by the county, his or her beneficiary named on the Dept. of Retirement Systems shall be paid at time of death one-half (1/2) of all sick leave accumulated and remaining at that time.

15.5 Employees hired before December 27, 1995 who contemplate retirement, and have given notice in writing to the department head of the effective date of their retirement, may convert any existing sick leave to compensation time off with pay to the extent of said unused sick leave. These employees may also have the option, if they choose, to be paid a sick leave cash-out on a three-to-one basis (three days of accumulated sick leave equals one regular day of pay). Those employees first hired on or after December 27, 1995, shall, upon retirement, be paid a sick leave cash-out on a three-to-one basis (three days of accumulated sick leave equals one regular day of pay). In the event of termination for reasons other than retirement or death, no payment shall be made for any accumulated sick leave existing at time of termination.

15.6 Sick leave may be taken for any of the following reasons:

A. Because of and during illness or injury incapacitating the employee to perform his/her duties or exposure to contagious disease during such period as his/her attendance on duty would jeopardize the health of fellow workers or the public;

B. Doctor or dental appointments.

C. Illness or death in the immediate family requiring the attendance of the employee (funerals included). Leave for such reason shall be limited to five (5) days in any one instance. "Immediate family" includes only persons related by blood or marriage or legal adoption in the degree of consanguinity of spouse, parent, grandchildren, grandparents, brother, sister, child, or parent of spouse, but not aunt, uncle, cousin, niece, or nephew unless living in the employee's household, but does include State Registered Domestic Partner.

- 15.7** Sick leave is to be taken only under the conditions outlined in the preceding paragraphs and is in no way to be vacation time (except as otherwise herein defined--See provision C) or to compensate employees for time off the job for any other reason. Upon voluntary termination of service by the employee or upon termination of service by the employer, no sick leave will be paid.
- 15.8** Sickness shall be reported at the beginning of any period of sick leave to the department head by the employee or a person designated to act for employee prior to the beginning of work hours, unless the employee's illness is serious enough to prevent the employee from either making or arranging such a report. Upon return to work, the employee shall submit a written statement to department head on the Request for Approval of Leave of Absence form, to request approval for the leave so taken. The department head may require a certificate of illness from a doctor before approving sick leave pay, or if there are questions concerning the nature of the illness, for an employee if the period of illness exceeds four working days.
- 15.9** Sick leave is accrued in units of hours and quarter hours. When sick leave is taken, it shall be charged as the actual number of hours that the employee would have worked if present on the job. It shall be charged at the rate of one/quarter (1/4) hour of leave for each one/quarter (1/4) hour of absence. Records will be kept in hours and quarter of hours and charged according to the working time absent. At the employee's option, vacation leave may be used as sick leave but sick leave may not be used as vacation leave.
- 15.10** Any employee who is eligible for Labor & Industries compensation for time off because of an "on-the-job" injury shall be paid sick leave in the amount of the difference between employee's regular pay and that paid by Labor & Industries, after the first three days off the job. Full amount if sick leave shall be paid in the first three days. Should Labor & Industries later pay an employee for the first three days of absence, the amount paid the employee by Labor & Industries for the three days shall be credited to Garfield County from money due the employee in the next payroll period. The pro rata part of sick leave as determined by the ratio of regular sick leave and Labor & Industries compensation shall be charged to the employee for time off the job.
- 15.11** FAMILY MEDICAL LEAVE ACT (FMLA)
- Under the terms of the Family and Medical Leave Act of 1993 (FMLA), Title 219, Part 825 of the Code of Regulations, employees may request, and/or the County may place an employee on, leave with or without pay under the following conditions:
 - For the birth of a son or daughter, and to care for the newborn child;
 - For the placement with an employee of a son or daughter for adoption or foster care;
 - To care for the employee's spouse, son, daughter, or parent with a serious health condition; or,
 - Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.
 - FMLA Eligibility
 - FMLA allows employees to request, and/or the County to designate, leave without pay for up to twelve (12) weeks within a twelve (12) month period. The twelve (12) month period shall be defined as a "rolling" twelve (12) month period measured from the last use of FMLA leave. The employee must have worked for the County for 12 months or 52 weeks and must have worked 1250 hours during the twelve-month period immediately before the date when the leave is requested to commence. Employees are required to use all sick leave which they have accrued, prior to going on leave without pay. The county shall not require the use of annual leave as part of family medical leave. The employee, at the

employee's option, may use annual leave as part of family medical leave. Such paid leave status shall be included in the total of the 12 work weeks.

- If a husband and wife both work the County, they shall together be entitled to a total of twelve (12) work weeks of family leave and leave need be granted to only one parent at a time for a single qualifying event under certain conditions.
- FMLA Notification
 - An employee planning to take family leave under the terms of this section shall provide the department head with written notice at least thirty (30) days in advance of the anticipated date of leave. The department head and/or supervisor shall notify the Payroll Department of any FMLA leave or any change in status of an employee. If it is not possible to give 30 days notice, the employee must give as much notice as is practicable. While on leave, employees are requested to report periodically to the department head and/or supervisor regarding the status of the medical condition and their intent to return to work. The County may designate leave as FMLA leave and must give the employee notice of said designation.
- Employee Status and Benefits During FMLA
 - While an employee is on FMLA leave, the County shall continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. During the period of leave taken under the terms of this section, if the employee is not eligible for any employer contribution to medical or dental benefits under the County's policy, the County shall allow the employee to continue, at his or her own expense, medical or dental insurance in accordance with state or federal law.
 - If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee, or the employee's family member or a circumstance beyond the employee's control, the County may require the employee to reimburse the County the amount the County paid for the employee's health insurance premium during the leave period.
- FMLA Certification of the Serious Health Condition
 - The County reserves the right to request certification of the serious health condition. Request for medical certification shall be made in writing as part of the County's response to the employee's request for leave.
- An eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness may be entitled to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the service member. Contact the Auditor's Office for further information.

ARTICLE XVI

Leave Sharing:

16.1 The purpose of leave-sharing is to permit employees to donate a portion of their accrued vacation, floating holidays, and/or sick leave days for use by employees who are unable to work due to illness or injury, and have depleted their sick leave, vacation time, floating holidays and will go on leave without pay.

- A. The leave-sharing plan is totally voluntary in nature, and only those who volunteer to donate sick leave shall do so. No employee shall be coerced, threatened, intimidated, or financially induced to donate leave. Each donor may be specific regarding whom the donation will be made to but all donations to the leave-sharing program shall be confidential:
- B. To be eligible to receive donated sick leave, an employee must qualify as follows:

1. Suffer from or have a relative or household member who suffers from an illness, non-job-related injury, impairment, a physical condition, or a mental condition which will cause the employee to either go on leave-without-pay status or to have his or her employment terminated.
 2. Have depleted or will shortly deplete his or her sick leave reserves, vacation time, and floating holidays.
 3. The employee must not be receiving time-loss payments as a result of an on-the-job injury.
 4. The employee must have abided by the Employer's policies regarding sick leave.
- C. Employees wishing to donate leave shall submit the Donation of Vacation time/Sick Leave/Floating Holiday form to the Employer for processing. All donations of vacation time or sick leave may not bring the donor's vacation time or sick leave time below thirteen (13) days.
 - D. The donated leave shall be calculated on the basis of one hour donated equals one hour received, with no consideration given to the different wage rates between the positions or donor and done.
 - E. Once leave has been donated, it becomes the recipient's leave and shall be entered as sick leave in the recipient's account, and deducted from the donor's vacation, floating holiday and/or sick leave account.

ARTICLE XVII

Vacation:

- 17.1** Effective January 1, 1999, vacation pay shall accrue to regular employees who have been in the continuous employ of Garfield County for six (6) months or more as follows:
- A. During the first six (6) months of employment (the probationary period), no vacation leave may be taken, but upon satisfactory completion of the six-month probation, sixty (60) hours will be granted for later use.
 - B. For each year thereafter during which the employee works not less than one hundred forty-five (145) hours per month, he or she will be granted vacation time at the rate of ten (10) working hours for each month of service up to a total of one hundred twenty (120) working hours vacation for one (1) year of service.
 - C. After completion of three (3) years service, each employee shall be allowed twelve (12) hours of vacation for each month of service up to a total of one hundred forty-four (144) working hours vacation for one (1) year of service.
 - D. After completion of five (5) years service, each employee shall be allowed fourteen (14) hours of vacation for each month of service up to a total of one hundred sixty-eight (168) hours for one (1) year of service.
 - E. After completion of ten (10) years service, each employee shall be allowed sixteen (16) hours of vacation for each month of service up to a total of one hundred ninety-two (192) hours vacation for one (1) year of service.
 - F. After completion of fifteen (15) years of service, each employee shall be allowed eighteen (18) hours of vacation for each month of service up to a total of two hundred sixteen (216) hours of vacation for one (1) year of service.

- G. After completion of twenty (20) years of service, each employee shall be allowed twenty (20) hours of vacation for each month of service up to a total of two hundred forty (240) hours of vacation for one (1) year of service.

17.2 The following provisions regulate the granting and taking of vacation leave:

- A. Part-time regular employees will be eligible for vacation benefits in proportion to the time worked as outlined above. The proportion will be determined by multiplying the number of hours per month that the part-time employee works by 12 and dividing the result thereof by 2080 (the result shall be rounded to two decimal places) and then multiplying that result by the rate of longevity accrued to determine the percentage of full-time vacation benefits available to the part-time employee.
- B. When vacation is taken, it shall be charged as the actual number of hours that the employee would have worked if present on the job.
- C. Vacation shall be approved by the department head, and insofar as consistent with the efficient operation of the department, the person in charge shall endeavor to schedule vacations according to employee's choice of dates. Where conflicts occur on choices of dates, the employee with the longest seniority will be considered first for the date(s) in question.
- D. An employee who was first hired prior to December 27, 1995, shall be allowed to accumulate no more than 384 hours of vacation leave. An employee who was first hired on or after December 27, 1995, shall be allowed to accumulate no more than 240 hours of vacation leave.
- E. No employee shall be paid for more than 240 hours of unused vacation upon retirement or termination as severance pay in accordance with RCW Chapter 41.50.
- F. An employee is entitled to carry over to the succeeding year any accrued vacation time, but at no time shall the total accumulated vacation time exceed the amount as defined in subparagraph D above.
- G. Vacation leave shall accumulate, be utilized, and be reported with an accuracy of not less than one-quarter (1/4) of one (1) hour.

ARTICLE XVIII

Military Leave:

18.1 Each employee shall be allowed military leave as provided by law.

ARTICLE XIX

Judicial Leave:

19.1 Any employee who is called for jury duty or subpoenaed to appear as a witness before any court or other public body in any proceedings in which such employee is not personally involved shall receive from the Employer his/her permanent rate of pay for the actual time required to be absent from work because of such jury or subpoena. However, if such employee shall receive compensation for jury duty or as a witness, any compensation received less allowance for meals and travel, shall be deposited into the Employer's fund from which the employees' wages are paid. Any such absence shall not be counted as sick leave or vacation. Provided, if an employee is called for jury duty or subpoenaed within Garfield County and is dismissed from such duty or appearance prior to noon, such employee shall report for work.

ARTICLE XX

Absence Without Duly Authorized Leave:

20.1 No leave of absence (except for sick leave in which the circumstances do not permit advance notification) whether with or without pay, shall be allowed unless authorized in advance. Absence other than duly authorized leave shall be treated as leave without pay.

ARTICLE XXI

Keeping Records:

21.1 Each department head is responsible for keeping permanent records of all vacation, sick, and other leave for each employee in his/her department; such record will show employee's accrual and taking of leave and the balance thereof. A revised up-to-date list of sick leave and vacation leave shall be available for review by the employees in each office. Information regarding the status of sick leave and vacation leave shall be included on the data stub that accompanies each employee's monthly paycheck.

ARTICLE XXII

Leave of Absence Without Pay:

22.1 Leave of absence without pay may be allowed any employee at the sole discretion of the department head for any of the reasons applicable for leave with pay, for any periods beyond those covered by permissible leave with pay. Leave of absence without pay shall not be authorized in any case where such leave shall operate to the detriment of the department or county. No leave without pay will be granted to an employee until employee has first taken advantage of all employees' usable/earned vacation credits, and such leave will not be granted for the purpose of the employee gaining personal advantage or profit. Permission for leave of absence without pay shall be obtained before taking leave. No sick leave or vacation leave credit shall accrue during any unpaid leave of absence.

Article XXIII

Courthouse Firearms Regulations:

23.1 Pursuant to RCW 9.41.300 and Garfield County Resolution No. 13272 which was passed by the Garfield County Commissioners on July 26, 1993, the entire Garfield County Courthouse is a gun-free zone in which the possession or carrying of firearms is limited to law enforcement officers and those involved in court security. Before one enters the main floors of the building, all weapons must be checked in and left with the City-County law enforcement office in the basement of this building. Washington State concealed weapons permits are not valid to carry a weapon into the courthouse unless prior approval is issued in writing by the Sheriff.

Article XXIV

Smoking Regulations:

24.1 The entire Garfield County Courthouse and all other building that are under Garfield County control are designated as smoke-free workplaces and smoking is prohibited. **SMOKING IS PROHIBITED WITHIN TWENTY-FIVE (25)_FEET OF ANY PUBLIC ENTRANCE, OPEN WINDOW, or VENTILATION INLET OF ANY COUNTY BUILDING.**

24.2 There shall be NO SMOKING within any County owned motor vehicle.

ARTICLE XXV

Compensation Classifications and Grades:

25.1 Each job within the County is classified into one of the County's classification for salary purposes, based on job qualifications, level of responsibility, difficulty, working conditions, required skills, hazard, and amount of supervision required for the specific job title. Each bargaining unit classification is designated a particular salary or salary range shown on the County's salary and wage schedules, which are approved annually by the County Commissioners by adoption of the County budgets.

ARTICLE XXVI

Employee Pay Rates:

26.1 Employees' (as a group) wages shall be reviewed yearly by the Board of Commissioners before setting the County Budget. The Board shall meet with the Employee association to discuss/negotiate pay rates and benefits prior to setting each yearly budget. Any changes in pay rate/benefits will be noted in the budget and separately by resolution of the Board.

ARTICLE XXVII

Compensation Upon Termination:

27.1 When employment with the county is terminated, the employee shall receive the following compensation:

- A. Regular wages for all hours worked and not previously paid up to the time of termination.
- B. Any overtime or holiday pay due, but excluding any unused floating holiday.
- C. A lump sum payment for any accrued but unused vacation and compensatory time.

ARTICLE XXVIII

Death:

28.1 Upon the death of an employee, all compensation due shall be paid to the surviving spouse (if any) (including State Registered Domestic Partner) or to the estate of the employee.

ARTICLE XXIX

Hours of Work and Overtime for County Employees:

29.1 Full-time personnel shall start work at a fixed time each morning, unless notified of a different starting time, and shall normally work the regularly scheduled departmental work hours from that time, exclusive of their lunch period.

29.2 Any employee performing work in excess of forty (40) hours per week shall be compensated at the rate of one and one-half the regular hourly wage for said position; provided, however, no employees shall be granted extra compensation for working any hours excess of forty (40) hours per week if such is done without the knowledge and prior approval of the department head.

29.3 Employees shall not be compensated for work hours beyond regularly scheduled hours unless granted prior approval by the department head.

29.4 HOLIDAY PAY - If a nonexempt employee is required to work on one of the paid holidays, he/she shall be paid the regular hourly rate plus an amount equal to one and one-half the regular hourly rate in pay.

ARTICLE XXX

Time Worked:

30.1 For overtime purposes, sick leave, vacation, emergency leave and holidays are considered time worked.

30.2 Time for travel and training shall be considered "time worked" if the travel and/or training is for the benefit of the County (ie-primarily job related), see Paragraphs 9.5.1 and 9.5.2.

ARTICLE XXXI

Employee Callback Time:

31.1 In those Employer departments in which an employee is subject to "call-back time" (being called back to work after the regularly scheduled work shift or called back on a day not scheduled for work), those employees who are called back will be paid at one and one-half times the regular hourly rate for all call-back time and will be given a minimum of two hours of work time for each call back.

ARTICLE XXXII

Job Description:

32.1 Each non-elected job or position in all County departments shall have a written job description. The job description will be as complete as possible in defining the tasks and duties required for the position. Each department head will be responsible for the preparation of job descriptions in each department. Each new employee will be given a copy of his or her job description and shall sign and date the job description after reviewing it with the department head or supervisor.

ARTICLE XXXIII

Interdepartmental Provisions and Transfers:

33.1 Any employee who transfers from one County department to another without a bona fide break in service shall retain from the previous position all accumulated benefits (including but not limited to sick leave, vacation longevity leave, health insurance benefits, and unused floating and personal holidays), however, the employee shall not be eligible to utilize vacation or personal holidays until after 90 days from the start date with the new department.

33.2 Any employee who is employed in more than one department for the County shall have the total time spent on all County employment as the determining factor in the granting of any benefits that are provided by this policy.

ARTICLE XXXIV

Reappointment:

34.1 Any employee with regular status who was laid off because of a reduction in force shall be given first consideration for re-employment. The starting salary of the re-employment shall commensurate with the salary received at the time of lay off.

ARTICLE XXXV

Layoff:

35.1 Seniority shall not be affected by temporary layoffs that do not exceed six (6) months duration. When considering increases or decreases of forces, the following factors shall be included:

- A. Length of continuous service
- B. Knowledge, ability, skill, and compatibility with fellow workers (in departments with more than three workers)

Seniority may only be broken for the following reasons:

- A. If the employee resigns.
- B. If the employee is discharged for cause.
- C. If the employee fails to return to work within five (5) days after being notified to return to work and does not present a satisfactory excuse for failing to return.

ARTICLE XXXVI

Advance Draw on Monthly Salary:

36.1 Any full-time employee is eligible for a once-a-month advance draw of no more than forty percent (40%) of his or her gross monthly pay. Any employee desiring to exercise this privilege shall submit his or her draw request on or before the tenth day of the month to the Garfield County Auditor's Office. The request must specify whether the draw is to be done only for one month or for a continuing draw each month. Any changes to a request for a continuing draw must be submitted to the Payroll Department on or before the tenth of the month in which the change is to become effective. The draw payroll is released on the fifteenth (15th) of each month unless that day falls on a weekend or a holiday; in which case, the draw will be released on the last working day prior to the fifteenth (15th).

ARTICLE XXXVII

Grievance Procedures:

37.1 A grievance is defined as any dispute involving the interpretation, application, or alleged violation of any provisions of these personnel policies and any included appendices. It shall be available to all employees without regard to length of employment. One who files a grievance is absolutely protected against any adverse action for having filed the grievance. Grievances, which arise, shall be settled in the following manner:

37.2 Employees, supervisors, and department heads are encouraged to attempt to settle disagreements that could potentially develop into formal grievances through the process of free and open communication between the parties and by the use of any available "in-house" or intra-departmental grievance procedures or committees. The formal grievance procedure that follows is the path to follow for those grievances that are not satisfactorily resolved at the intra-departmental level.

37.3 Step 1: The aggrieved employee or his representative shall orally present the grievance to his/her supervisor within five (5) working days following the occurrence of the events upon which the grievance is based (or five (5) working days after the employee becomes aware of the events.) The supervisor will give a verbal answer within five (5) working days of the date of presentation of the grievance.

37.4 Step 2: If a grievance is not settled in Step 1, it shall be reduced to a reasonably detailed report, dated and signed by the aggrieved party, and presented to the department head or elected official within five (5) working days of the supervisor's oral response to the grievance. The department head or elected official shall reply in writing within five (5) working days of the presentation of the written grievance. Copies of the aggrieved party's detailed report, as well as the department head/elected official's written reply shall be submitted to the Clerk of the Board of County Commissioners (both documents must be dated and signed.)

37.5 Step 3: If the grievance is not settled in Step 2, the dated and signed grievance report, along with the department head or elected official's written response, shall be presented to the Board of County Commissioners by the Clerk of the Board' upon the written request of either the aggrieved party or the department head/elected official. Said written request to present the information to the Board of County Commissioners must be received by the Clerk of the Board within ten (10) working days following the response in Step 2. Once the request to present this information has been received by the Clerk of the Board, a written notice will be given to the aggrieved party and to the department head/elected official, thereby notifying each of the date and time this matter will be presented to the Board of County Commissioners. Within five (5) working days of the hearing of the grievance by the Board of County Commissioners, the Board shall issue its written decision, which shall include any action required of the parties involved in the grievance.

***(Note--If the Clerk of the Board has been involved in the grievance before this procedural point, this reference to "the Clerk of the Board" and all others in Step 3 shall be replaced with the words "the Prosecuting Attorney.")**

If the employee (aggrieved party) wishes a recognized employee organization to participate in any oral presentation to the Board, such representation shall consist of not more than two representatives.

37.6 Step 4: Mediation: Any employee, after completing the three grievance steps set forth above, who still believes that his/her grievance has not been dealt with fairly, may request independent mediation of the matter. If mediation is desired by the aggrieved employee(s), the following procedures shall be followed:

- A. A mediation committee shall be established consisting of one mediator appointed by agreement between the employee and the Board. This mediator shall not be a Garfield County employee.
- B. If the mediating parties are unable to agree upon the mediator within ten (10) working days after they meet to determine such appointee, either party may request the Prosecuting Attorney to provide a list of five mediator s from which the parties shall select one who will serve as the mediator. Each party to the mediation shall alternately eliminate one name from the list until only one remains.
- C. It shall be the duty of the mediator to represent the public interest in reviewing employee appeals. During such review, both the appealing employee(s) and the Board of County Commissioners or other persons whose action is being reviewed shall have the right to be heard publicly, be represented by a person off his/her choice and to present evidentiary facts.
- D. The decision of the mediator shall be a strong recommendation for resolving action to all parties involved, provided it does not involve action by the employer which is beyond its jurisdiction. The mediator shall not have the power to amend, alter, or modify these personnel policies, and its findings and recommendations shall be limited to the interpretation and application of these policies.
- E. It shall be the duty of the mediator, within three (3) working days of the conclusion of the hearing, to certify his/her findings and recommendations to the Board of County Commissioners for appropriate action. A copy of the findings and recommendations shall, at the same time, be furnished to the aggrieved employee(s).

- F. The expenses of the mediator that is selected by both shall be borne equally by both parties.

ARTICLE XXXVIII

"Whistle Blower" Procedures:

38.1 It is the policy of Garfield County to encourage reporting by its employees of improper governmental action taken by Garfield County officers and employees; and to protect Garfield County employees who have reported improper governmental actions in accordance with Garfield County policies and procedures.

A. Definitions. As used in this policy, the following terms shall have the meanings indicated:

1. Improper Governmental Action: means any action by a Garfield County officer or employee that:
 - a. Is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and
 - b. that is in violation of any federal, state, or local law or rule; is in abuse of authority; is of substantial and specific danger to the public health or safety or is a gross waste of public funds.

"Improper governmental action: does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

2. "Retaliatory Action" means any adverse change in the terms and conditions of a Garfield County employee's employment.
3. Emergency means a circumstance that, if not immediately changed, may cause damage to persons or property.

B. Procedures for Reporting.

1. Employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the Garfield County Board Commissioners or the Prosecuting Attorney.
2. In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.
3. The supervisor, the Garfield County Board of Commissioners, or the Prosecuting Attorney as the case may be, shall take prompt action to assist the county in properly investigating the report of improper governmental action. Garfield County officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.
4. Employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the employee reasonably believes that an adequate investigation was not undertaken by Garfield County to determine whether an improper governmental action occurred or that insufficient action has been taken by Garfield County to address the improper governmental action, or that for other reasons the improper governmental action is likely to recur.
5. Employees who fail to make a good-faith attempt to follow the Garfield County procedures in reporting improper governmental action shall not receive the protection provided by Garfield County in these procedures.

C. Protection Against Retaliatory Actions.

1. Garfield County officials and employees are prohibited from taking retaliatory actions against an employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.

2. Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor. If the employee's complaint is against his/her supervisor, or if the supervisor does not satisfactorily resolve an employee's complaint that he/she has been retaliated against in violation of this policy, the employee may obtain protection under this policy and pursuant to state law by providing a written notice to the Board of Commissioners, the Clerk of the Board, or the Prosecuting Attorney that:

- a. Specifies the alleged retaliatory action and
- b. Specifies the relief requested.

3. Garfield County officials shall take appropriate action to investigate and address complaints of retaliation.

4. Employees shall provide a copy of their written charge no later than thirty (30) days after the occurrence of the alleged retaliatory action. The Board of Commissioners or the Prosecuting Attorney shall respond within thirty (30) days to the charge of retaliatory actions.

5. After receiving either response of Garfield County, or thirty (30) days after the delivery of the charge to Garfield County, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the Clerk of the Board within the earlier of either fifteen (15) days of delivery of the Employer's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to Garfield County for the response.

6. Upon receipt of request for a hearing, the Employer shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge: Office of Administrative Hearings

P.O. Box 42488, 4224 Sixth S.E.
Rowe Six, Bldg. 1
Lacey, WA 98504-2488 Phone: 206-459-6353

7. The Employer will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

D. Responsibilities.

The Clerk of the Board is responsible for implementing the Garfield County policies and procedures; and for reporting improper governmental action and implementing procedures for the protection of employees against retaliatory actions. This includes ensuring that this policy and these procedures are permanently posted where all employees will have a reasonable access to them; are made available to any employee upon request; and are provided to all newly-hired employees. Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

E. List of Agencies.

Following is a list of some agencies, but not all agencies, responsible for enforcing federal, state and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the Prosecuting Attorney.

STATE OF WASHINGTON

Attorney General's Office
Fair Practices Division
2000 Bank of California Center
900 Fourth Avenue
Seattle, WA
206-464-6684

Department of Labor & Industries
300 West Harrison, Room 201
Seattle, WA
206-281-5400

State Auditor's Office
Legislative Building
PO Box 40021
Olympia, WA 98506-5280

Equal Employment Opportunity
Commission
2815 Second, Suite 500
Seattle, WA 206-553-0968

Human Rights Commission
402 Evergreen Plaza Bldg., FJ-41
711 South Capitol Way
Olympia, WA 98504-2490

ARTICLE XXXIX

Cellular Phones:

Cellular Telephone Policy

- 39.1** Cellular telephones and cellular phone services may be provided to County Employees. All County provided cellular services and equipment are subject to the approval of the Board through existing cellular phone plan (contract for services), or through the Department Head if said department has such an expense budgeted, and available funds exist.

Usage Policy

- 39.2** Audits of all County –provided cellular services will be conducted which include a review of the monthly billing by the assigned user’s supervisor and/or the Accounting/Auditing Officer. Cellular transmissions are not secure, so users of wireless services should use discretion in relaying confidential information. Additionally, reasonable precautions should be made to prevent equipment theft and vandalism. In the event that a cellular telephone is lost, stolen or vandalized due to the assigned user’s failure to use reasonable precautions, the County may require the employee responsible for such cellular telephone to reimburse the County for the reasonable costs to replace such telephone.

Personal Use of County Provided Cellular Phones

- 39.3** County provided cellular phone lines assigned to individuals are for County business calls. Incidental personal use of County provided cellular phone lines are permitted. Any extra costs incurred, above the amount the County would normally pay, for such personal use is to be promptly reimbursed to the County according to paragraph 39.4 below.

39.4 Reimbursing the County for Personal Calls

Individuals who use County provided cellular phones for personal calls are responsible for reimbursing the costs associated with those personal calls. The amount of the reimbursement to the County will be equal to the increase in monthly charges to the County caused by personal calls.

For example: The calling plan for a particular cellular phone is 450 shared minutes for \$37.34 with additional minutes at \$.25 per minute and unlimited data for \$35.99, plus taxes and fees, and the person assigned to the phone uses the phone for 5 minutes of personal calls.

- a. If the total minutes for all calls does not exceed the 450 shared minutes in the plan during the month, the individual would owe nothing.
- b. If the total minutes exceed the 450 shared minutes, the individual would owe \$.25 plus taxes and fees for each minute over the 450 shared minutes, to a maximum of 5 minutes (the total length of the personal calls.)

The Accounting/Auditing Officer will invoice the employee for personal telephone calls. Failure of the employee to reimburse the County within fifteen (15) days of receipt of an invoice may result in the deduction of the invoiced amount due from the employee’s next payroll check or, upon termination of employment, the final payroll check, or if the employee has received their final payroll check upon termination of employment, the garnishment of wages.

39.5 No County employee may operate a County owned motor vehicle on the roadway while “texting” or while talking on a cellular phone unless said employee uses a “hands free” device. However, operators of authorized emergency vehicles are excepted from the above regulations if conducting official business.

ARTICLE XXXX

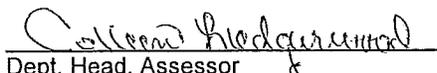
Terms of agreement:

This Agreement is effective 02/01/2011.

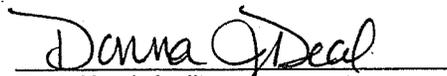
SIGNATORY PAGE

In consultation with the employees of Garfield County, the Department Heads, and the Garfield County Board of Commissioners hereby declare the Attached Agreement to be effective this 31 day of January, 2011.

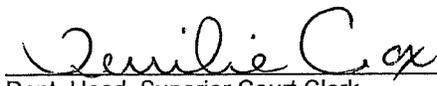

Chairman, Garfield County Commissioner

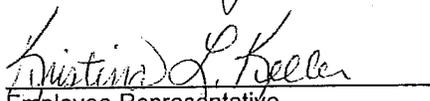

Dept. Head, Assessor


County Commissioner

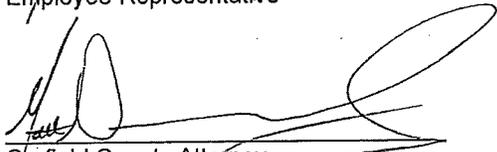

Dept. Head, Auditor

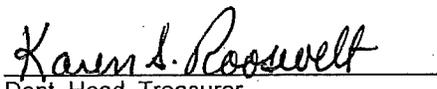

County Commissioner

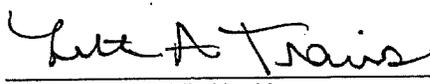

Dept. Head, Superior Court Clerk

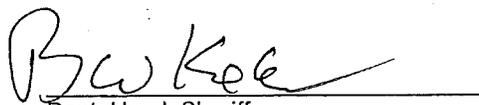

Employee Representative

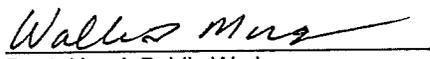

Dept. Head, District Court

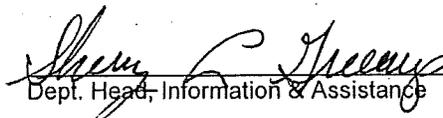

Garfield County Attorney


Dept. Head, Treasurer


Dept. Head, Public Health


Dept. Head, Sheriff


Dept. Head, Public Works


Dept. Head, Information & Assistance

ATTEST:


Clerk of the Board